

# Texas Judicial Council Legislative Update 85<sup>th</sup> R.S.

June 30, 2017



# 85<sup>th</sup> Legislative Session

## Bills Filed

- House Bills = 4333
- Passed = 700
- Vetoed = 36
  
- Senate Bills = 2298
- Passed = 511
- Vetoed - 15

## Judiciary Statistics

- Bills filed that impacted the Judiciary = 1785
- OCA Fiscal Notes = 1181
  - 17% of all bills filed
    - 84<sup>th</sup> Session: 1033
    - 83<sup>rd</sup> Session: 711
    - 82<sup>nd</sup> Session: 621



# Texas Judicial Council Legislation

- SB 42- Judge Julie Kocurek Judicial and Courthouse Security Act of 2017
  - Establish Director of Security and Emergency Preparedness at OCA;
  - Requires municipal judges and local administrative judges to establish court security committees;
  - Certification of court security personnel;
  - Amend statutes impacting judges' personal security and privacy; and
  - Provide resources to DPS for personal security for judges, if necessary.



Gov. Abbott signs SB 42 into law May 27, 2017.

# Texas Judicial Council Legislation

- SB 1096 – Guardianship Registry
  - Authorizes the creation of a statewide guardianship registry available for query by law enforcement; and
  - Requires the Supreme Court to adopt rules requiring prospective guardians other than attorneys, corporate fiduciaries, and certified guardians, to receive training and undergo a criminal history background check in order to be appointed guardian.
- SB 36 – Regulation of Guardianship Programs
  - Expands Judicial Branch Certification Commission’s authority to regulate guardianship programs.
  - OCA anticipates less than 30 programs will be registered with the commission.



# Texas Judicial Council Legislation

- SB 1913 – Increasing Compliance with Court Costs, Fines and Fees
  - Several statutory changes to improve the assessment and collection of criminal court costs including:
    - Requires judges handling cases in open court to inquire about a defendant’s ability to pay when imposing the sentence and to use existing tools of installment plans, community service, full or partial waiver, or any combination of those, if a defendant has an inability to pay in full;
    - Expands community service options a judge may impose;
    - Increases the minimum amount of credit for jail or community service from \$50 to \$100 for each day; and
    - Prohibits the posting of a monetary bail in a fine-only offense unless the defendant fails to appear and the judge finds that the defendant has the ability to post bail.



# Texas Judicial Council Legislation

- SB 1326 – Mental Health
  - Revises the process of gathering and assessing information about an arrestee who may have a mental illness in the magistration process;
  - Streamlines the competency restoration process; and
  - Allows counties to establish jail-based competency restoration programs.
- SB 292 – Jail Diversion Grant Programs
  - Grant program for the purpose of reducing recidivism, arrest, and incarceration of individuals with mental illness.
  - Matching funds:
    - 50 percent of the grant amount for county with a population of less than 250,000
    - 100 percent of the grant amount for county with a population of 250,000 or more.



# Texas Judicial Council Legislation

- HB 34 – Timothy Cole Exoneration Review Commission
  - Electronically record interrogations in felony cases;
  - Regulations on jailhouse informant testimony;
  - Improve procedures and training associated with eyewitness identification; and
  - Crime scene investigation study by Texas Forensic Science Commission.
- SB 1329 – Oaths of Office
  - Requires oaths of office and anti-bribery statements for state officials appointed by the Supreme Court, Court of Criminal Appeals or State Bar of Texas, as well as associate judges appointed for the Children’s Courts be filed with the Secretary of State.



# Judicial Council Legislation

- What didn't make it?
  - SB 667 – Guardianship Compliance Project Expansion
  - SB 1338/HB 3011 – Pretrial/ Bail Reform
  - SB 1394 – Longevity pay increase
  - SB 1938/ HB 3971 - Judicial Compensation Formula
  - SB 2020 – Jury Wheel Clean Up

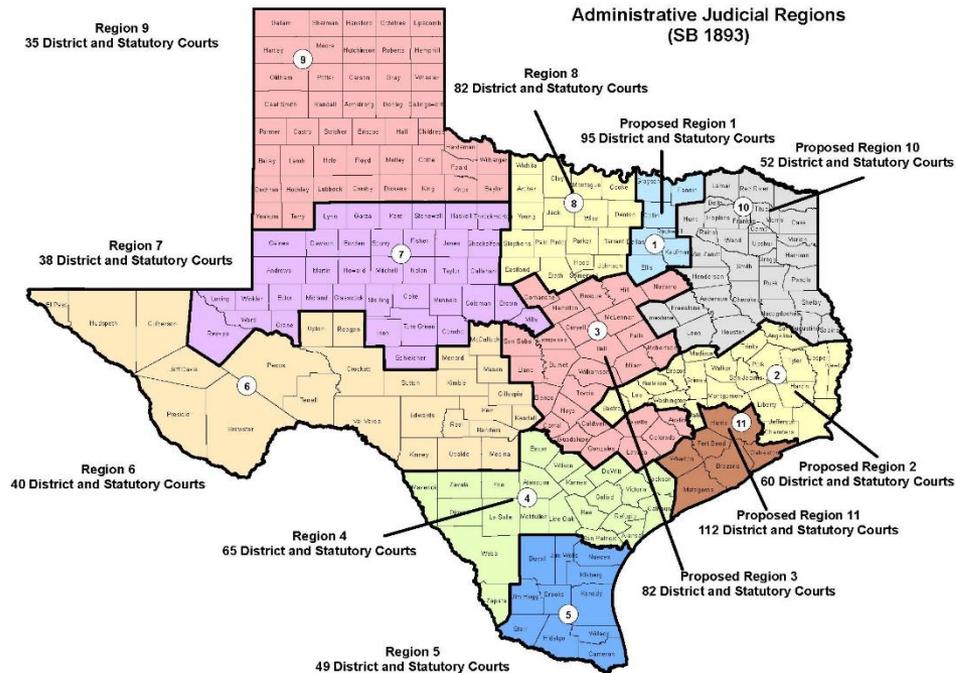


# New Courts

- SB 1329 – Omnibus Courts Bill
  - 453<sup>rd</sup> District Court in Hays County
  - 458<sup>th</sup> District Court in Fort Bend County
  - 459<sup>th</sup> District Court in Travis County – preference to Civil
  - 460<sup>th</sup> District Court in Travis County – preference to Criminal
  - 462<sup>nd</sup> District Court in Denton County
  - 464<sup>th</sup> District Court in Hidalgo County
  - CCAL No. 6 in Fort Bend County
  - CCAL in Grimes County
  - CCAL No. 3 in Hays County



# New Administrative Judicial Regions



- SB 1893 – Increases regions from 9 to 11.

# Other Bills of Interest

- **HB 1761 – Supreme Court Jurisdiction**
  - Allows the Court to review any appealable order or judgment that presents a question of law important to the jurisdiction of the state, unless the decision of the court of appeals is made final by statute.
- **SB 1124 – Forensic Science Commission attached to OCA**
  - Transfers the administrative attachment of the Texas Forensic Science Commission from Sam Houston State University to OCA.
- **HB 3167 – Fewer Collections Programs**
  - Increases the population threshold for counties required to have a local collection improvement program from 50,000 to 100,000.



# Other Bills of Interest

- HB 214 – CCA Recordings
  - Requires the CCA to record audio and video of proceedings and publish on its Website.
- SCR 57 – Interim Committee to Study Judicial Pay Formula
  - Asks the Lieutenant Governor and Speaker of the House to appoint a joint interim committee to propose a formula to calculate judicial salaries.
- SB 1911 – Self Help Resources
  - Requires OCA, with assistance from the Texas Access to Justice Commission, to designate a self-help website with information regarding lawyer referral services, references or links to Legal Aid offices, legal self-help centers, and the State Law Library.



# Other Bills of Interest

- HB 45 – Foreign Law Rules
  - Requires the Supreme Court to promulgate rules of evidence and procedure regarding the enforceability of certain foreign judgments and awards, and to provide judicial instruction addressing issues related to foreign law, foreign judgments, and foreign arbitration awards.
- HB 3391 – Specialty Court for Public Safety Employees
  - Creates a specialty court, similar to a veterans court, for public safety employees such as peace officers, firefighters, detention officers, county jailers or EMS service employees who have been charged with a criminal offense due to job-related PTSD or other work-related mental health issue.



# Elections

- HB 25 – Elimination of Straight Party Voting
  - Eliminates straight party voting for all races (including judicial races.)  
Effective Sept. 1, 2020.
- SB 44 – Petitions Accompanying Applications for Election Ballots
  - Requires candidates for appellate justice, district judge, statutory county judge and justice of the peace in counties with a population over 1.5 million to get 250 signatures.
  - Requires candidates for the Supreme Court or Court of Criminal Appeals to get 50 signatures.



# 85<sup>th</sup> Legislative Session Appropriation Summary



# 85<sup>th</sup> Legislative Session Appropriation Summary

Overall budget request totaled \$656.8 million, or 96% of 16-17 GR, GR-D funding levels, reducing baseline appropriations by \$19.6 million. (\$11.9 million restored.)

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Judiciary courts/agencies submitted exceptional item requests totaling \$252.5 million.

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Requested an additional 97.0 FTEs in exceptional items. 1.5 FTEs were approved.

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\$699.5 million appropriated to Article IV. 1,476.9 FTEs



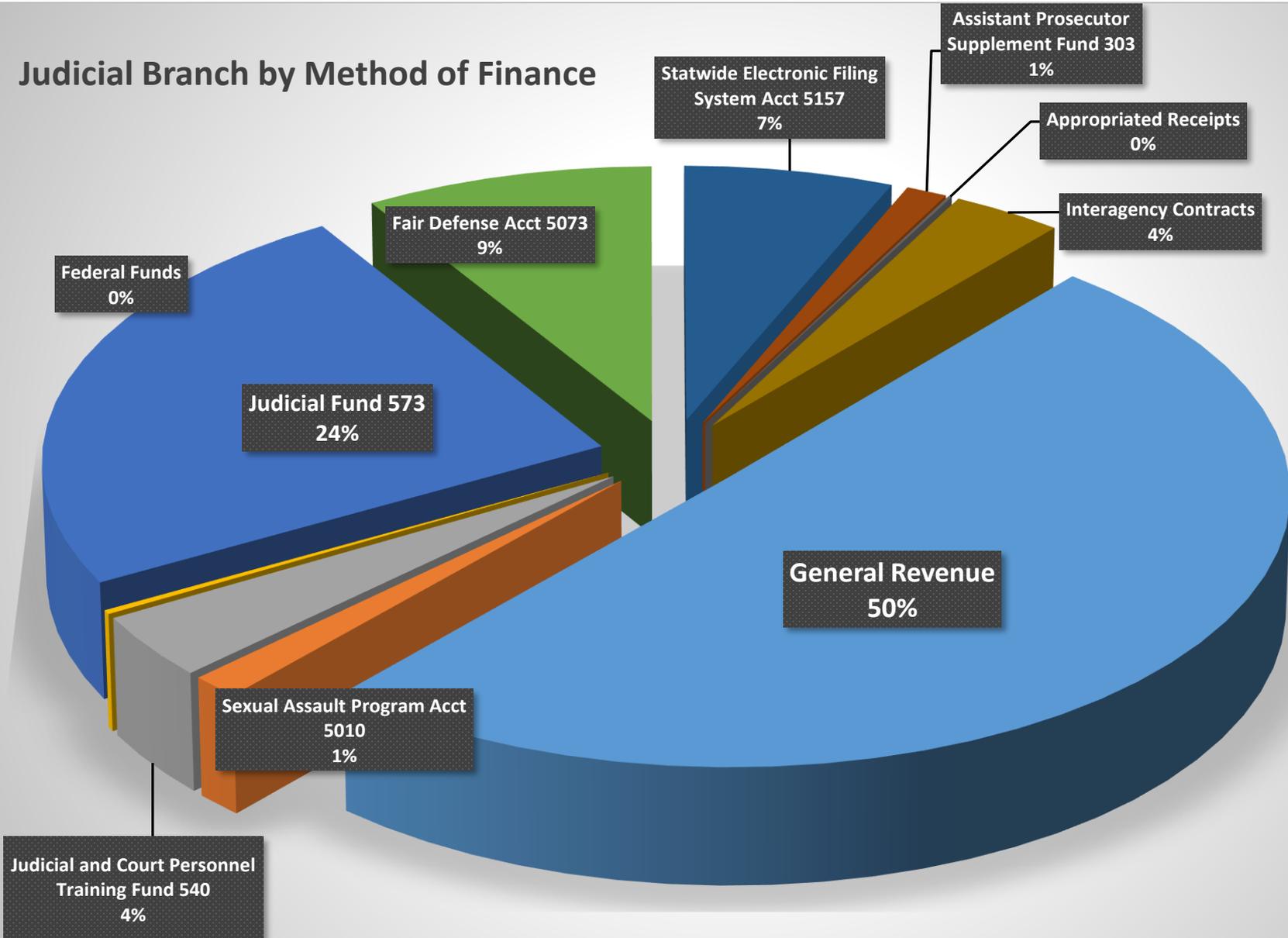
## Appropriation by Method of Finance

- General Revenue - \$352,316,165
- Judicial Fund 573 - \$169,950,411
- GR Dedicated-Fair Defense - \$61,610,883
- GR Dedicated-Electronic Filing Fund - \$44,724,690
- Judicial & Court Personnel Training Fund 540 - \$26,320,485
- Interagency Contracts - \$23,700,770
- Sexual Assault Program Acct 5010 - \$9,600,000
- Assistant Prosecutor Supplement Fund 303 - \$8,769,700
- Federal Funds - \$1,693,922
- Appropriated Receipts - \$754,821
- GR Dedicated-Forensic Science Acct - \$70,000

**TOTAL - \$699,511,847**



# Judicial Branch by Method of Finance



# APPROPRIATION SUMMARY

METHOD OF FINANCE	2016-2017	2018-2019	INCREASE/ (DECREASE)
General Revenue	\$366,823,824	\$352,316,165	(\$14,507,659)
Fair Defense Account	\$67,018,330	\$61,610,883	(\$5,407,447)
Judicial Fund 573	\$139,354,542	\$169,950,411	\$30,595,869
Judicial and Court Personnel Training Fund 540	\$19,566,009	\$26,320,485	\$6,754,477
Sexual Assault Prgm Fund 5010	\$10,000,000	\$9,600,000	(\$400,000)
E-Filing Acct 5157	\$45,512,708	\$44,724,690	(\$1,121,018)



# APPROPRIATION SUMMARY, continued

METHOD OF FINANCE	2016-2017	2018-2019	INCREASE/ (DECREASE)
Asst Prosecutor Supp Fund 303	\$8,769,700	\$8,769,700	\$0
Federal Funds	\$3,295,726	\$1,693,922	(\$1,601,804)
Interagency Contracts	\$21,074,377	\$23,700,770	\$2,626,393
Appropriated Receipts	\$847,515	\$754,821	(\$92,694)
Forensic Science Commission Acct	\$0	\$70,000	\$70,000
<b>TOTAL</b>	<b>\$682,262,731</b>	<b>\$699,511,847</b>	<b>\$17,249,116</b>



# Conference Committee Items of Significance

## ***SUPREME COURT***

- 4% reduced from Appellate Court Operations restored
- Basic Civil Legal Services-Decreased GR by \$9.9M; added \$33.3M to Judicial Fund 573-VW Settlement (legislative intent rider-funding to remain beyond settlement \$)
- \$2M in GR to offset federal funds reduction for Children's Commission
- Restoration of Unexpended Balance authority



# Conference Committee Items of Significance

## *COURT of CRIMINAL APPEALS*

- 4% reduction from Appellate Court Operations restored
- SB 42-Court Security bill - Additional \$10,043,650 from the Judicial and Court Personnel Training Fund 540 in Rider 3.
- Rider 3-Judicial Education-Directs \$675,000 for judicial education services on 1) indigent defendants and mental health and 2) various issues including bail, fines, fees, jail commitments, jail credit, mentor program for judges and webinars.
- New Rider 7-Directs \$375,000 from GR for education for judges and court staff on mental health issues and pre-trial diversion
- New Rider 8-Behavioral Health Funds-Requires expenditures be contingent on the LBB determining the planned expenditures satisfy requirements of the Statewide Behavioral Health Strategic Plan under Art. IX, Sec. 10.04
- \$356,000 in GR for recording certain proceedings of the SC and CCA and publication of recordings – HB 214



# Conference Committee Items of Significance

## ***14 INTERMEDIATE COURTS OF APPEALS***

- 4% reduced from Appellate Court Operations restored



# Conference Committee Items of Significance

## ***STATE PROSECUTING ATTORNEY***

- Restoration of .5 FTE and associated funding

## ***STATE COMMISSION ON JUDICIAL CONDUCT***

- GR for a subscription to online court records no longer provided free of charge
- Funding for Legal Assistant and 1.0 FTE

## ***STATE LAW LIBRARY***

## ***OFFICE OF CAPITAL AND FORENSIC WRITS***

- No restoration of 4% reduction



# Conference Committee Items of Significance

## *OFFICE OF COURT ADMINISTRATION*

- SB 42-Court Security and Emergency Preparedness division funding and 1.0 FTE
- Loss of Estimated Appropriation Authority
- Guardianship Compliance Project - \$5.02 M, then veto by Governor
- Gain of Forensic Science Commission
- Loss of funds in addition to 4%
  - *Exoneration Commission*
  - *CAPPS*
  - *Guardianship Program*



# Conference Committee Items of Significance

## ***TX INDIGENT DEFENSE COMMISSION***

- No restoration of 4%
- Additional reduction in Fair Defense Account due to reduction in court cost revenues
- Loss of estimated appropriation authority
- Consolidated Court Costs revenues from Abused Children's Counseling fund and Comprehensive Rehabilitation fund redirected to the Fair Defense Account (SB 2053)
- Estimated \$32.1M into the fund. No authority to spend in 18-19



# Conference Committee Items of Significance

## ***COMPTROLLER JUDICIARY SECTION***

- \$192K to the Special Prosecution Unit, Walker Co. to cover increased benefit costs for employees
- \$1.35M for Judge salaries and salary supplements due to SB 1329 creating additional judicial districts and county courts-at-law; additional 5.1 FTEs by 2019



# Conference Committee Items of Significance

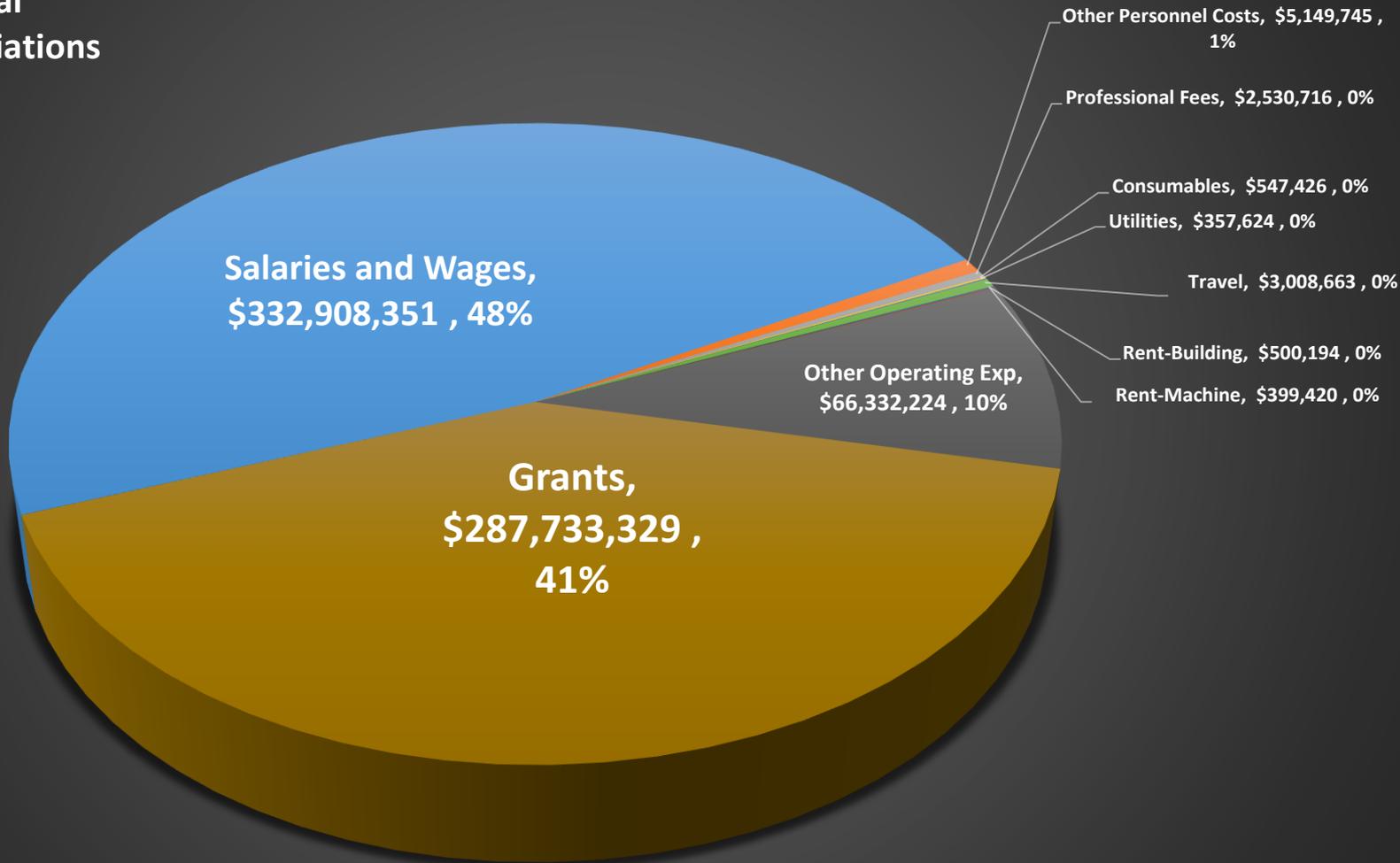
## ***COST CONTAINMENT RIDER***

- All agencies affected
- Intent for all agencies to find savings in contracted goods and services.
- Target to hit nearly \$500 million statewide
- Judicial Branch budgets reduced by \$381,700



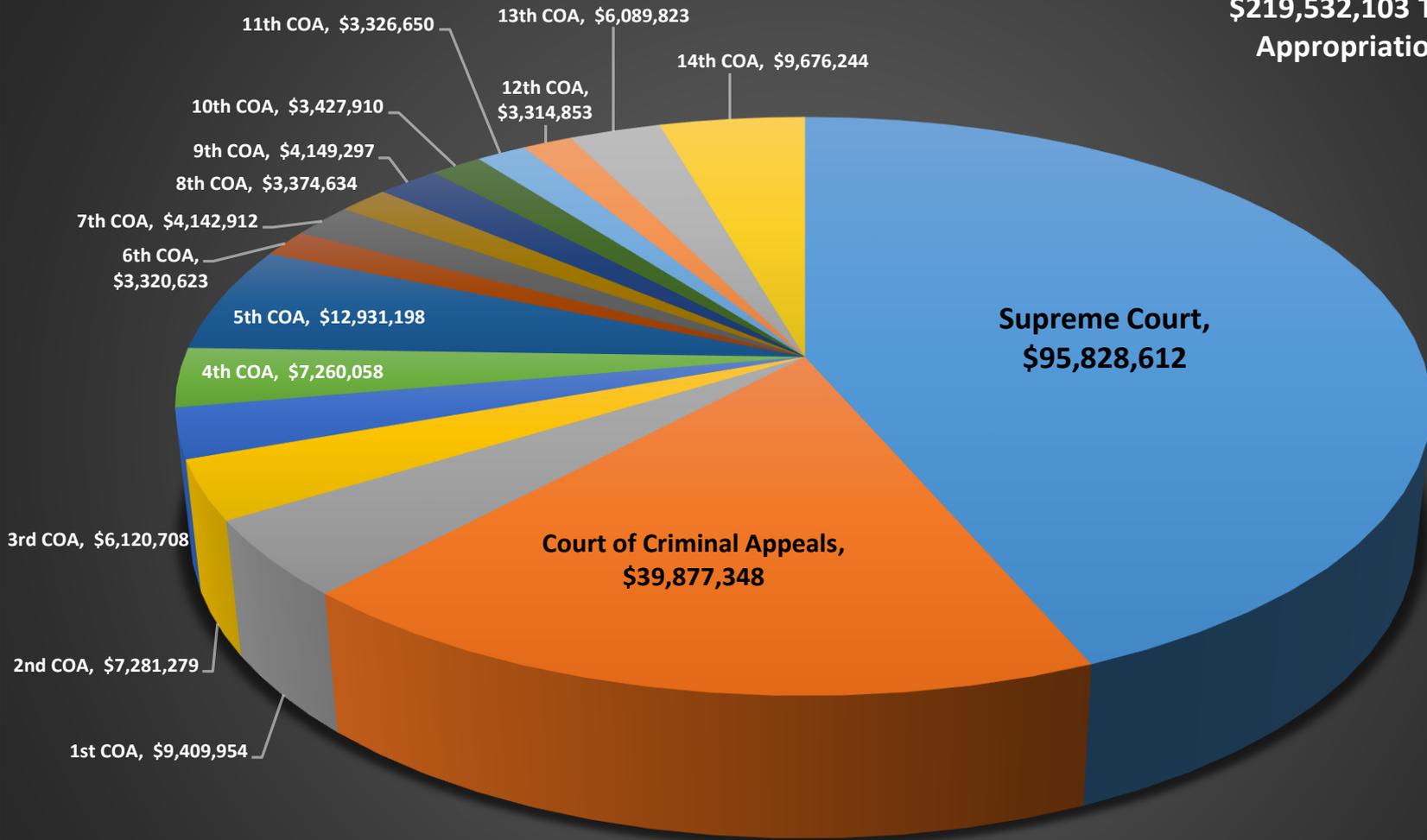
# FY2018-2019 Objects of Expense - All Judiciary

**\$699,511,847**  
**Total**  
**Appropriations**

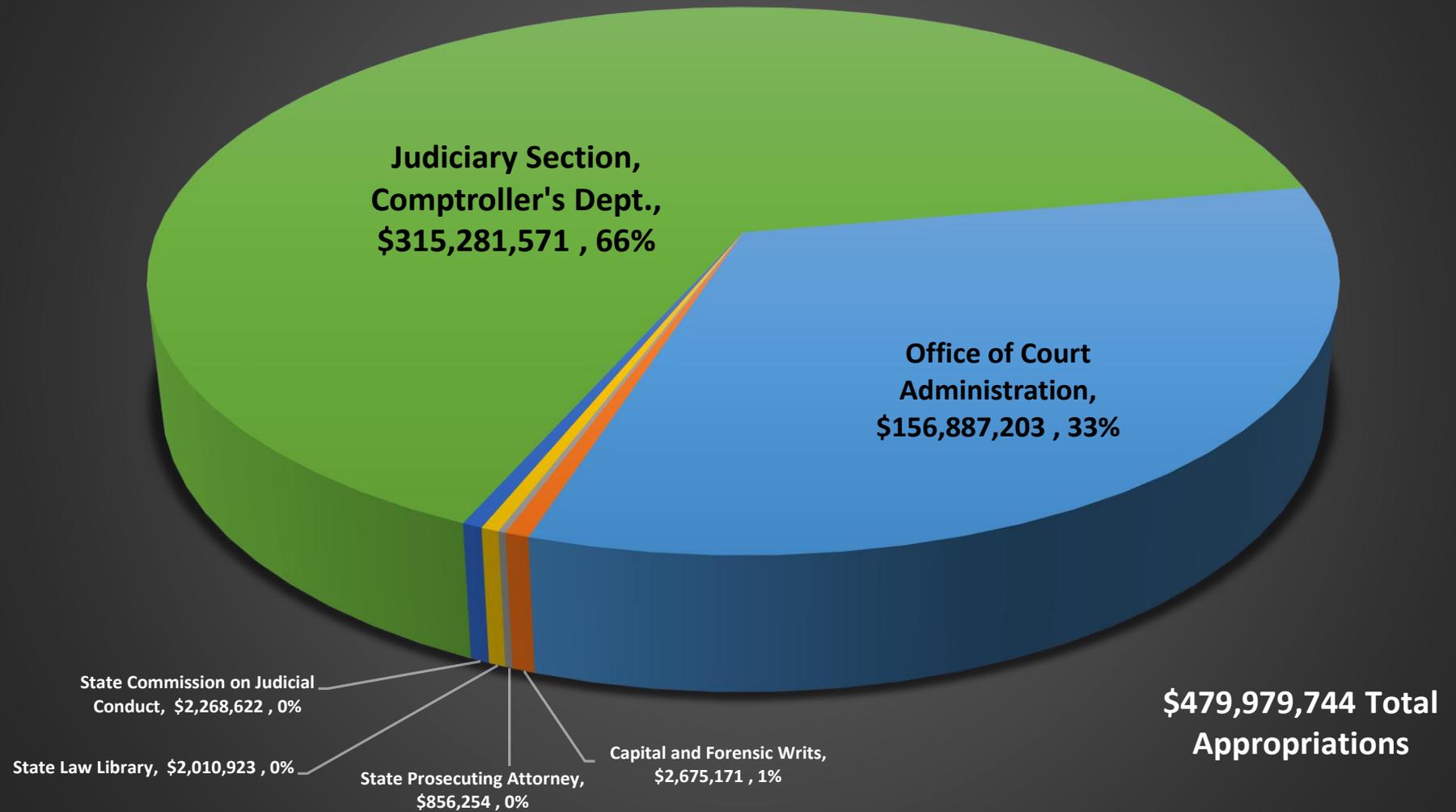


# FY 2018-2019 Total Funding - Appellate Courts

**\$219,532,103 Total Appropriations**



# FY 2018-2019 Total Funding - Judicial Agencies excluding the Appellate Courts



Look for the Texas  
Judicial Council/ Office  
of Court  
Administration  
Legislative Update on  
[www.txcourts.gov](http://www.txcourts.gov)



TEXAS JUDICIARY LEGISLATIVE UPDATE  
TEXAS JUDICIAL COUNCIL



Increasing Compliance with Court Costs and Fees

Addressing Mental Health

Strengthening Court Security

Improving the Guardianship System

Funding the Judiciary

JULY 2017

